IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(133) **CWP-21749-2022**
Date of Decision : September 21, 2022

Sangita Rani **.. Petitioner**

Versus

State of Haryana and others **.. Respondents**

(135) **CWP-21768-2022**

Mangat Ram **.. Petitioner**

Versus

State of Haryana and others **.. Respondents**

(136) **CWP-21770-2022**

Ram Prasad **.. Petitioner**

Versus

State of Haryana and others **.. Respondents**

(143) **CWP-21804-2022**

Suman Lata **.. Petitioner**

Versus

State of Haryana and another **.. Respondents**

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(145) **CWP-21816-2022**

Salinder Kumar **.. Petitioner**

Versus

State of Haryana and others **.. Respondents**

(146) **CWP-21817-2022**

Sandeep Kumar **.. Petitioner**

Versus

State of Haryana and another **.. Respondents**

(154) **CWP-21852-2022**

Dharam Pal **.. Petitioner**

Versus

State of Haryana and others **.. Respondents**

(156) **CWP-21865-2022**

Harish Kumar **.. Petitioner**

Versus

State of Haryana and others **.. Respondents**

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. S.K. Malik, Advocate, for the petitioner
in CWP No.21749 of 2022.

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Mr. Ankit Dahiya, Advocate, for
Mr. Rajesh Lamba, Advocate, for the petitioner
in CWP No.21768 of 2022.

Mr. Vineet Jakhar, Advocate and
Mr. Gurminder Singh, Advocate, for the petitioner
in CWP No.21770 of 2022.

Mr. Laxman Choudhary, Advocate, for the petitioner
in CWP No.21804 of 2022.

Mr. Kapil Kumar, Advocate, for the petitioner
in CWP No.21816 of 2022.

Mr. Saurabh Dalal, Advocate, for the petitioner
in CWP No.21817 of 2022.

Ms. Nisha Malik, Advocate and
Mr. Vikram Sheoran, Advocate, for the petitioner
in CWP No.21852 of 2022.

Mr. Azad Singh Nain, Advocate, for the petitioner
in CWP No.21865 of 2022.

HARSIMRAN SINGH SETHI J. (ORAL)

By this common order, all the petitions, the details of which have been mentioned in the heading, are being disposed of as all of them involve similar question of law.

In the present bunch of petitions, the petitioner(s) are challenging their transfer orders on several grounds which are enumerated as under.

The first ground as submitted by the learned counsel for the petitioner(s) is that the orders of transfers have been passed without going into the factual aspect that certain teachers who though have not completed the minimum tenure at the present place of posting, still they have been transferred, which transfer is contrary to the directions issued by a Coordinate Bench of this Court in ***CWP No.15108 of 2021*** on 24.08.2021, titled as ***Vikram Singh and others versus State of Haryana and others***.

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The second ground raised is that certain teachers have been declared surplus even prior to their completion of minimum tenure at the present place of posting so as to transfer them to far off stations without ascertaining the fact that sufficient number of students exists at their present place of posting, hence, declaring of the petitioner(s) as surplus by the respondents is totally arbitrary and illegal so as to effect their transfers.

Third ground raised with respect to certain petitioner(s) is that the stations preferred by them are still lying vacant and are now being treated "kept vacant" by the respondents, however, at the time of seeking options, the said stations were open to be opted for, hence, the transfer of petitioner(s) to a station which was not preferred by them by not considering their claim for the opted station is totally arbitrary and illegal.

Fourth ground raised is that without looking into the family aspects of the petitioner(s), they have been given posting at far off places, which is causing prejudice to the petitioner(s) keeping in view the fact that the petitioner(s) are being paid a fixed salary and it will be difficult for them to survive at the transferred place of posting.

Fifth ground as raised is that the petitioner(s) were transferred on 28.08.2022, 12.09.2022 and 13.09.2022 and within a very short span of period several of them have been again transferred and that too without any valid reason, which is causing prejudice to the petitioner(s).

Sixth ground as raised is that the stations which were opted by some of the petitioner(s), have been given to the candidates who were having lesser merit than the petitioner(s), which is contrary to the provisions of transfer policy.

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Seventh ground as raised is that without considering the aspect of the couple cases, which parameter has also been envisaged in the transfer policy and has to be kept in mind while issuing the transfer, has been ignored by the respondents and the couple have been transferred miles apart, which will disturb their married life.

Eighth ground as raised is that the marks for the perfect result given by the petitioner(s), have not been extended to the petitioner(s), hence, their merit has not been prepared in accordance with the provisions of the transfer policy, which has caused prejudice to them.

Lastly the contention raised by learned counsel for the petitioner (s) is that in case of certain petitioner(s), the station which was opted by them, was not allotted on the ground of non availability of the post at the opted station but the same has been given to another candidate subsequent to their transfer, which act of the respondents as submitted is arbitrary and illegal.

Notice of motion.

Mr. Harish Nain, learned Assistant Advocate General, Haryana accepts notice on behalf of the respondents and submits that the reasons for challenging the transfers being forwarded by the petitioner(s) are specific to them and in case, the petitioner(s) have already raised their grievances by filing of appropriate representation(s) or any representation, if filed manually till Friday i.e. 23.09.2022, will also be accepted and the same shall be looked into by the competent authority within a period of 10 days from today by passing an appropriate speaking order.

Learned State counsel further submits that in case, the petitioner (s) have not been relieved till today from the present place of posting then

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they will be allowed to continue at the present place of posting till the decision of the said representation(s) in case, the same are filed.

Learned counsel for the petitioner(s) submit that keeping in view the statement of the learned State counsel, the present petitions may kindly be disposed of as having been not pressed any further with liberty to the petitioner(s), who are yet to file the representation, to approach the respondents by filing appropriate representation(s) raising their grievances as raised in the present petitions.

Ordered accordingly.

A photocopy of this order be placed on the connected files.

September 21, 2022 **(HARSIMRAN SINGH SETHI)**
harsha **JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

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